

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DYSON TECHNOLOGY LIMITED)
and DYSON, INC.,)
Plaintiffs,)
v.) Civil Action No. 05-434 GMS
)
MAYTAG CORPORATION,)
Defendant.)

**DEFENDANT HOOVER, INC.'S MOTION IN LIMINE TO BAR EVIDENCE
RELATING TO HOOVER ADVERTISING AND SUBSTANTIATION**

NOW COMES Defendant/Counterclaim Plaintiff Hoover, Inc.¹ ("Hoover"), through its undersigned counsel, and respectfully moves this Court for an order precluding all reference to, and all evidence of, any advertising by Hoover (or its predecessors), any evidence relating to substantiation of advertising claims made by Hoover.

In support of this motion, Hoover respectfully refers the Court to Hoover's memorandum of Law in Support of Motion *in Limine* to Exclude Evidence Relating to Hoover Advertising and Substantiation, the supporting affidavit of Chris Stathopoulos and attached exhibits, the paper and records on file in this action, and any evidence and argument that may be heard on this motion. A form of Order implementing the relief sought by this motion is attached hereto.

¹ Subsequent to the filing of the complaint and counterclaims in this case, substantially all of the assets and liabilities of The Hoover Company, which was operated as a division of The Maytag Corporation at the time of suit, were sold to a newly formed corporation called "Hoover, Inc." and to entities owned by Hoover, Inc., including Hoover General LLC, Hoover Limited LLC and Hoover Partnership L.P. On March 13, 2007, Hoover filed a motion seeking leave to join these additional entities to whom its interest in the floor care business (along with the interest of its subsidiaries) was transferred, effective January 31, 2007.

Dated: April 16, 2007

Respectfully submitted,

HOOVER, INC.

/s/ Francis DiGiovanni

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ORDER

WHEREFORE, having considered Hoover Inc.'s Motion *in Limine* to Exclude Evidence Relating to Hoover Advertising and Substantiation:

IT IS SO ORDERED this _____ day of _____, 2007, that the following is precluded: all reference to, and all evidence of, any advertising by Hoover (or its predecessors), any evidence relating to the substantiation of advertising claims made by Hoover.

United States District Judge

CERTIFICATE OF SERVICE

I, Francis DiGiovanni, hereby certify that on April 16, 2007, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on April 16, 2007, I caused a copy of the foregoing document to be served by hand delivery and e-mail on the above-listed counsel of record, and by e-mail and first class mail on the following counsel of record:

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/s/ Francis DiGiovanni
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